

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

KAREN MCNEILL, ET AL

Plaintiffs,

v.

COMMUNITY PROBATION

SERVICES LLC. ET AL.

Defendants.

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Case No. 1:18-cv-00033

Judge Campbell/ Frensley

ORDER

The Court held a discovery conference with the Parties by telephone on January 21, 2020. Plaintiffs raised several issues which are addressed as follows:

1. Supplementation of Discovery by PSI Defendants.

Plaintiffs request that PSI supplement its previous document production to provide additional responsive documents in the form of emails and other documentation from the periods of December 2018 and June 2019 to the present. Plaintiffs requested that PSI Defendant supplement their discovery responses by the current close of written discovery, February 17, 2020. Citing the voluminous production to date, costs associated with document production, and pending dispositive motion, Defendant PSI requested that they be allowed to supplement their responses within 45 days of any scheduled deposition in the case.

Under Federal Rules of Civil Procedure 26(e)(1) a party has continuing duty to supplement discovery responses “in a timely manner” or “as ordered by the Court.” The information at issue is evolving on a potentially a daily basis. While it would be unreasonable to require the Defendants to supplement their responses daily, there appears to be no dispute that supplementation is necessary and required. The question is when that supplementation should happen. Given the

period of time in question for supplementation reaches back to December 2018 and June 2019, and the potential volume of that supplementation, delaying the production until a date 45 days from the yet to be scheduled depositions is inappropriate. The PSI Defendants shall supplement their discovery responses by February 17, 2020. The Parties are encouraged to discuss establishing a schedule for additional supplementation after February 17, 2020, if necessary.

2. County Defendants Responsive Pleadings.

The County Defendants are directed to file a responsive pleading to the Plaintiff's Second Amended Complaint on or before January 24, 2020.

3. County Defendants Additional Document Production.

County Defendants have been providing emails and other documentation responsive to the Plaintiffs' discovery request in a rolling fashion. The County Defendants are ordered to produce outstanding emails and minutes responsive to Plaintiff's discovery requests by February 4, 2020.

4. Remaining Discovery Disputes.

The Parties continue to engage in meet and confer efforts regarding additional discovery disputes. A telephone conference is set for **January 31, 2020 at 9:30 a.m.** to discuss any additional discovery disputes that the Parties are unable to resolve through their meet and confer efforts prior to that time. The Parties shall call 1-877-336-1831 at the appointed time, and when prompted for the access code, enter 7039387# to participate in the Conference. In the event the Parties resolve the outstanding issues through their meet and confer efforts they shall contact the court and the telephone conference will be cancelled.

IT IS SO ORDERED.


JEFFERY S. FRENSLEY
U. S. Magistrate Judge